

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	Mis. No. 04-3E
)	
JAMES P. GERG and)	(See C.A. No. 03-266E)
ROXANNE R. GERG,)	
)	
Defendants.)	

AFFIDAVIT OF LIENHOLDERS AND PARTIES IN INTEREST

COMMONWEALTH OF PENNSYLVANIA	}	
	}	SS:
COUNTY OF ALLEGHENY	}	

The United States of America, Plaintiff in the above action, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property of Defendants, **James P. Gerg and Roxanne R. Gerg** located at 172 Hemlock Lane, Kersey, Pennsylvania 15846, and is more fully described as follows:

ALL that certain piece, parcel or tract of land situate, lying and being in the Township of Fox, Elk County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the west margin of Hemlock Lane, which said place of beginning is one hundred (100). feet south of the southeast corner of a lot of land conveyed to Joseph Kreckle, by the Grantors herein by deed dated July 9, 1968, and recorded in the Recorder's Office of Elk County, Pennsylvania, in Deed Book 178, page 223; as measured along the west margin of Hemlock Lane; thence South along the west margin of Hemlock Lane, One Hundred (100) feet to the point where the first margin of Hemlock Lane intersects the north margin of David Street; thence in a westerly direction along the north margin of David Street, Two Hundred (200) feet to a point; thence North One Hundred (100) feet to a point; thence in an easterly direction along a line parallel with the southern boundary of a lot conveyed to Joseph Kreckle, Two Hundred (200) feet, more or less, to the place of beginning.

SUBJECT TO the following conditions, covenants, and restrictions, which condition, covenant and restriction shall by both the Grantors, their heirs and assigns, and the Grantees, their heirs and assigns, be deemed to be a covenant that runs with the land.

Said premise shall at no time be used for standing or parking of auto trailers, whether or not the wheels thereof have been removed, or whether or not they are considered residential dwellings or commercial or industrial property.

BEING the same premises conveyed to James P. Gerg and Roxanne R. Gerg, by Deed of Ritchie L. Gleixner and Deborah A. Gleixner Moran, dated January 22, 1990, and recorded on January 22, 1990 in Elk County Deed Book Volume 265, page 804.

1. The name and address of the owner(s) or reputed owner(s):

James P. Gerg
172 Hemlock Lane
Kersey, PA 15846

Roxanne P. Gerg
172 Hemlock Lane
Kersey, PA 15846

2. The name and address of the defendant(s) in the judgment:

James P. Gerg
172 Hemlock Lane
Kersey, PA 15846

Roxanne P. Gerg
172 Hemlock Lane
Kersey, PA 15846

3. The name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

The United States of America
[PLAINTIFF]

4. The name and address of the last record holder of every mortgage of record:

The United States of America
[PLAINTIFF]

Beneficial Consumer Discount Company
237 Main Street
Ridgway, PA 15853

Beneficial Consumer Discount Company
3006 Pleasant Valley Boulevard
Altoona, PA 16602

5. The name and address of every other person who has any record lien on the property:

[NONE]

6. The name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

Child Support Enforcement Agency
P.O. Box 305
Ridgway, PA 15853

Elk County Treasurer
P.O. Box 448
Ridgway, PA 15853

Vonda Lee Swanson, Tax Collector
363 Main Street
Kersey, PA 15846

Elk County Assessment Office
P.O. Box 448
Ridgway, PA 15853


Elk County Tax Claim Office
P.O. Box 448
Ridgway, PA 15853

First American Real Estate Tax Service
486 Thomas Jones Way
Exton, PA 19341

7. The name and address of every other person whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Resident
175 Hemlock Lane
Kersey, PA 15846

I verify that the statements made in this Affidavit are true and correct to the best of my personal knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

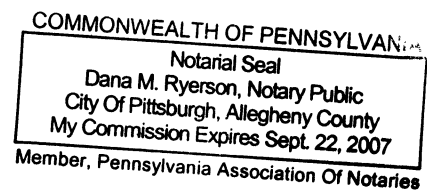


Gary W. Darr, Esquire
Attorney for Plaintiff
PA I.D. 90857

SWORN TO AND SUBSCRIBED BEFORE ME THIS

29th DAY OF JULY, 2005.

Dana M. Ryerson
Notary Public



IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	Mis. No. 04-3E
)	
Plaintiff,)	(See C.A. No. 03-266E)
vs.)	
)	
JAMES P. GERG and)	
ROXANNE R. GERG,)	
)	
Defendants.)	

AFFIDAVIT OF SERVICE OF
NOTICE OF MARSHAL'S SALE OF REAL ESTATE

I, Gary W. Darr, Esquire, Attorney for Plaintiff, **United States of America**, being duly sworn according to law, depose and make the following Affidavit regarding service of the Notice of Marshal's Sale of Real Estate, on all persons named in Paragraphs 1 through 7 of Plaintiff's Affidavit of Lienholders and Parties in Interest as follows:

1. On December 15, 2003, Plaintiff obtained an Order of Court authorizing service on Defendants, James P. Gerg and Roxanne R. Gerg at their last known address of 172 Hemlock Lane, Kersey, Pennsylvania 15846 by First Class mail, postage pre-paid and Certified Mail, Return Receipt Requested. A copy of the Order of Court is marked **Exhibit "A"**, attached hereto and made a part hereof.

2. On June 6, 2005, undersigned counsel served Defendants, **James P. Gerg and Roxanne R. Gerg**, with a Notice of Marshal's Sale of Real Estate at 172 Hemlock Lane, Kersey, Pennsylvania 15846 by Certified Mail, Return Receipts Requested. A copy of the Certified Mail Receipts are marked **Exhibit "B,"** attached hereto and made a part hereof.

3. On June 6, 2005, undersigned counsel served Defendants, **James P. Gerg and Roxanne R. Gerg**, with a Notice of Marshal's Sale of Real Estate at 172 Hemlock Lane, Kersey, Pennsylvania 15846 by ordinary mail. A copy of the U.S. Postal Service Certificates of Mailing are marked **Exhibit "C,"** attached hereto and made a part hereof.

4. On June 6, 2005, undersigned counsel served the following Lienholders and Parties in Interest with a Notice of Marshal's Sale of Real Estate by ordinary mail at the addresses set forth below. The original U.S. Postal Service Certificates of Mailing which evidence service of the Notice of Marshal's Sale of Real Estate are marked **Exhibit "D,"** attached hereto and made a part hereof.

Child Support Enforcement Agency
P.O. Box 305
Ridgway, PA 15853

Elk County Treasurer
P.O. Box 448
Ridgway, PA 15853

Vonda Lee Swanson, Tax Collector
363 Main Street
Kersey, PA 15846

Elk County Assessment Office
P.O. Box 448
Ridgway, PA 15853

Elk County Tax Claim Office
P.O. Box 448
Ridgway, PA 15853

Beneficial Consumer Discount Company
237 Main Street
Ridgway, PA 15853

First American Real Estate Tax Service
486 Thomas Jones Way
Exton, PA 19341

Resident
175 Hemlock Lane
Kersey, PA 15846

Beneficial Consumer Discount Company
3006 Pleasant Valley Boulevard
Altoona, PA 16602

I verify that the facts contained in this Affidavit are true and correct based upon my personal knowledge, information and belief.

McGRATH & ASSOCIATES, P.C.

By: 

Gary W. Darr, Esquire
Attorneys for Plaintiff
1500 Union Bank Building
306 Fourth Avenue
Pittsburgh, Pennsylvania 15222-2102
Telephone: (412) 281-4333
PA I.D. 90857

SWORN TO AND SUBSCRIBED BEFORE ME THIS

29th DAY OF JULY, 2005.

Dana M. Ryerson
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Dana M. Ryerson, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Sept. 22, 2007
Member, Pennsylvania Association Of Notaries